Justin Fok, Esq., CA State Bar #242272 1 Law Offices of Jean D. Chen 2 2107 N. First Street, Suite 400 San Jose, CA 95131 3 Telephone: (408) 437-1788 *ORDER E-FILED 1/9/2008* Facsimile: (408) 437-9788 4 Email: jfok@jclawoffice.com 5 Attorney for Plaintiff 6 Lei Hua 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION 10 11 Lei Hua, Case No. C 07-5184 HRL 12 Plaintiff, PARTIES JOINT REQUEST TO BE 13 **EXEMPT FROM FORMAL ADR** v. **PROCESS** 14 Michael Chertoff, Secretary of the AND ORDER 15 Department of Homeland Security; Emilio T. Gonzalez, Director of United States 16 Citizenship and Immigration Services 17 18 **Defendants** 19 20 21 22 23 Each of the undersigned certifies that he or she has read either the handbook entitled 24 "Dispute Resolution Procedures in the Northern District of California," or the specified portions 25 of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute

Parties' Joint Request for Exemption C 07-5184 HRL

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resolution options provided by the court and private entities, and considered whether this case

might benefit from any of them. Here, the parties agree that referral to a formal ADR process

will not be beneficial because this mandamus action is limited to plaintiffs' request that this

| 1 | Court compel defendants to adjudicate the application for adjustment of status. Given the |
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| 2 | substance of the action and the lack of any potential middle ground, ADR will only serve to |
| 3 | multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR |
| 4 | L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and |
| 5 | that they be excused from participating in the ADR phone conference and any further formal |
| 6 | ADR process. |
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| 8 | Respectfully Submitted, |
| 9 | Dated: January 8, 2008 |
| 10 | Justin G. Fok Attorney for Plaintiff |
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| 13 | Dated: January 8, 2008 |
| 14 | Ila C. Deiss United States Attorney |
| 15 | Attorney for Defendants |
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| 18 | ORDER |
| 19 | Pursuant to stipulation, IT IS SO ORDERED. |
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| 21 | Date: January 9, 2008 |
| 22 | Howard R Lloyd Magistrate Judge |
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